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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
HARVEY, DIONNE

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☐ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-12, 14, 15 and 17-20* is/are rejected.

7) ☒ Claim(s) *13 and 16* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *1/12/02* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
           application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *12/2001*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Specification

1.   Applicant is reminded of the proper language and format for an abstract of the
disclosure.

The abstract should be in narrative form and generally limited to a single
paragraph on a separate sheet within the range of 50 to 150 words. It is important that
the abstract not exceed 150 words in length since the space provided for the abstract
on the computer tape used by the printer is limited. The form and legal phraseology
often used in patent claims, such as "means" and "said," should be avoided. The
abstract should describe the disclosure sufficiently to assist readers in deciding whether
there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information
given in the title. It should avoid using phrases which can be implied, such as, "The
disclosure concerns," "The disclosure defined by this invention," "The disclosure
describes," etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

1.   **Claims 1-12, 14,15 and 17-20** are rejected under 35 U.S.C. 102(e) as being

anticipated by **Glorikian (US 6,772,213).**

Regarding claims 1 and 2, in **figure 1**, **Glorikian** teaches a data distribution

system communicating with a mobile data communication device capable of

obtaining current position information indicating a current position, comprising:

a data communication means/data sender/receiver **27** which sends and receives

data to and from said mobile data communication device **31**; a means for storing

information/information memory **14** which stores area position information

indicating a position of a specific area and information associated with said

specific area; **in column 8, lines 47-53 and lines 59-67, Glorikian** teaches that

the device may be implement indoors wherein triangulation techniques or the

use of various transmitters may be employed so as to determine the mobile

device's position within a specific area, reading on "a discriminator which

discriminates whether or not said mobile data communication device is in said

specific area based on said current position information sent from said mobile

data communication device"; and in **column 9, lines 21-26, Glorikian** teaches

that in addition to the system determining the position of the user, the system

also pulls appropriate information based upon said determined position, and

pushes said information to the user's mobile device, reading on "[means for

controlling or] a controller which controls providing control so that, in case said

mobile data communication device is located in said specific area, information

associated with said specific area is sent to said mobile data communication

device via said data sender/receiver."

Regarding claim 3, **shown in figure 2, Glorikian** teaches that said mobile

data communication device **29** includes a retrieving module **57** retrieving position

information indicating a current position; a determining module **39** determining

whether or not said current position is in said specific area; a transmitting module

45 transmitting to said data communication means information indicating that

said data communication device is in said specific area; and a receiving module

45 receiving information associated with said specific area sent from said data

communication means.

Regarding claim 4, **shown in figure 3, Glorikian** teaches a data

distribution system communicating with short-range wireless communication

means **(see column 8, lns 42-45)** communicating wirelessly with a device over a

short range, comprising: a mobile data communication device **71** which sends

and receives data to and from said short-range wireless communication means

73; in **column 8, line 64 through column 9 line 2, Glorikian** teaches a

database, thereby reading on "a memory which stores information sent to said

mobile data communication device"; in **column 9, lines 3-27, Glorikian** teaches

that the movements of the user elicits changes in the information provided to the

user device. For example, should the user stop for a predetermined amount of

time, information regarding that specific exhibit is provided to the user, versus a

user who moves from one room to another will receive information pertaining to

the general nature of the exhibits, thereby reading on "a controller which controls

providing control so that data from said mobile data communication device is

received via said short-range wireless communication means, and data stored in

said information storing means is sent to a mobile data communication device

located within a range in which data communication is possible via said short-

range wireless communication means."

Regarding claim 5, in **columns 14-15, Glorikian** teaches that information

may be sorted and provided to the user. The various categories into which

information may be sorted and provided to the user have been interpreted as

reading on "different formats", and they include Advertisement information

database, the Time dimension database, the Personal Interest dimension

database and the Commercial Enterprises dimension database. Therefor

Glorikian teaches that 'information memory stores said information associated

with said specific area in a plurality of different formats but with equivalent

contents"; in figure 2, **Glorikian** teaches a user input apparatus **61** by with the

user may select the format by which information should be provided, reading on

"said mobile data communication device is equipped with an information selector

which selects a format for said information stored in said information memory",

also see figure 8; and as indicated in the above rejections, **Glorikian** teaches

that said controller controls said data sender/receiver so that said information in

said format selected using said information selector is sent to said data

communication device.

Regarding claim 6, **Glorikian** teaches that said information in said

plurality of formats is information in a plurality of languages (see **column 12,**

lines 13-14) or information with a plurality of levels of difficulty.

Regarding claim 7, in **column 18, lines 16-20, Glorikian** teaches a user

information memory which stores user information such as an identification ID or

a name of said mobile data communication device, and in **column 18, lines 31-**

40 teaches that said controller receives said user information from said mobile

data communication device via said data sender/receiver and stores said

received user information in said user information memory.

Regarding claim 8, in **column 10, lines 52- column 11, Glorikian**

teaches an advertisement information memory which stores preferential

treatment information or advertisement information; and in **column 11, lines 21-**

36, Glorikian teaches that the controller of the system controls said data

sender/receiver to read said preferential treatment information or advertisement

information and send said information to said mobile data communication device.

Regarding claim 9, in **column 18, lines 18-30, Glorikian** teaches

increasing levels of service are provided to the user dependent upon the degree

of personal information the user has provided. The increasing levels of service

are interpreted as reading on "assigning points" and the degree of personal

information provided is interpreted as reading on "predetermined conditions".

Glorikian therefore teaches "means for assigning points...each time said mobile

data communication device fulfills predetermined conditions and receives said

information; and said points are stored in said user information memory"

Regarding claim 10, in **column 18, lines 18-30**, **Glorikian** teaches that

higher levels of service are provided to the user based upon his or her level of

subscription. The higher levels of service are interpreted as reading on "special

benefits" and his or her level of subscription is interpreted as reading on "points".

Glorikian therefore teaches, "special benefits are provided to an owner of said

mobile data communication means based on said points stored in said user

information memory."

Regarding claim 11, **in column 18, lines 23**, **Glorikian** teaches that said

controller obtains interests of an owner of said mobile data communication

device and stores said interests in said user information memory.

Regarding claim 12, in **column 18, lines 31-39**, **Glorikian** teaches that

said controller reads from said information memory information suited for said

user tastes stored in said user information memory and sends said information to

said mobile data communication device via said data sender/receiver.

Regarding claim 14, in **column 11, lines 58-61**, **Glorikian** teaches that

said controller reads information from said advertisement information memory

information suited for user interests stored in said user information memory, and

sends said information to said mobile' e data communication device via said data

sender/receiver.

Regarding claim 15, **in figure 3**, **Glorikian** teaches that said data

sender/receiver includes: first data communication means (**inherent antenna**

means) performing communication operations with said mobile data

communication device **31** of data including said position information **(see box 91**

in figure 4) and said information stored in said information storing means **(see**

box 93 in figure 4); and in **column 10 lines 53 through column 11, line 61**,

Glorikian teaches a second data communication means sending preferential

treatment information and advertisement information stored in said advertisement

information storing means.

Regarding claim 17, in **column 8, lines 1-20, Glorikian** teaches that the

system may operate such that a user visiting a particular location need only have

a portable unit so as to selectively access information regarding his or her

surroundings, which reads on "an allowing portion which allows toll-free access

from said mobile data communication device within said specific area."

Regarding claims 18 and 19, shown in **figure 2, Glorikian** teaches a

mobile data communication device comprising: a position information

obtainer/means for obtaining position information **57 (also see column 4, lines**

61-63) which obtains position information for a current position; a wireless

communicator **43,45** which performs wireless communication of information

including position information obtained by said position information obtainer; a

memory/means for storing **41** which stores position information for a specific

area; a display portion/means for displaying **65** which displays information; and a

controller/means for controlling **63** which controls said display portion to display

information indicating that said mobile data communication device is within said

specific area in case a current position obtained by said position information obtainer is within said specific area stored in said memory.

Regarding claim 20, **Glorikian** teaches means for entering whether or not displaying of newly received information is accepted (**see keyboard or pointing device**); and in **column 11, lines 57 through column 12, line 3**, that said controlling means controls said information displaying means so that when new information is received through said wireless communication means, information indicating that new information has been received is displayed, and said newly received information is displayed if an acceptance entry is received from said entering means.

Allowable Subject Matter

2.   Claims 13 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Baranowski (US 6,813,608) teaches a system for enhancing a user's experience in a boundary area.

Want (US 6,122,520) teaches a system for obtaining location specific information.

Hollenberg (US 6,091,956) teaches a situation information system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne N Harvey whose telephone number is 703-305-1111. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.Harvey

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